

11/1/21

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Placido Rodriguez

CRIMINAL COMPLAINT

Case Number: C-21-1327M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 31, 2021 in Brooks County, in the

(Date)

Southern District of Texas, defendant,

Placido Rodriguez

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the

Official Title

following facts:

See Attached Affidavit of U.S. Border Patrol Agent **Stephanie Caligiuri**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

November 1, 2021

Date

Julie K. Hampton, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On October 31, 2021, at approximately 5:20 a.m., a Border Patrol Agent was driving northbound on Highway 281 by the Brooks County Rest area. The agent observed a Honda minivan parked in the northbound side of the rest area with its hazard lights on. The agent thought this was strange and parked on the south side of the rest area where he could watch the minivan. Within a short period of time, another agent observed seven subjects on the east side shoulder of Highway 281. The subjects were near the fence line of the Vickers Ranch, just north of the first agent and put it out over the radio. The first agent then observed seven silhouettes run across the highway into the rest area. The first agent drove into the rest area and saw the Honda minivan that had its hazard lights on backing out of its parking spot. The agent pulled up next to the van and observed the passengers in the minivan appeared to be sweaty, dirty and were wearing dark long-sleeved clothing consistent with a trek through the ranches. The driver on the other hand, was wearing a tank top and shorts.

The agent suspected a possible immigration violation had occurred and performed a traffic stop and an immigration inspection on the occupants of the minivan. The driver, identified as Placido RODRIGUEZ, was determined to be a United States citizen. All seven passengers were determined to be aliens illegally present in the United States. All subjects were placed under arrest and transported to the Falfurrias Border Patrol Station for processing.

MIRANDA RIGHTS WARNING:

All subjects were advised of their Miranda Rights in their respective languages. All subjects acknowledged their rights. Placido RODRIGUEZ agreed to provide a statement without a lawyer present. Eludir Eli REYNOSO-Perez and Luis Fernando GARAY-Banegas also agreed to provide a statement without a lawyer present.

PRINCIPAL STATEMENT (Placido RODRIGUEZ):

Placido RODRIGUEZ stated he was contacted by his ex-brother-in-law known as "kechu" on his cellphone, asking him to pick up seven illegal aliens in the rest area on US Highway 281 south of Falfurrias, Texas. RODRIGUEZ stated he was given a vehicle by Kechu's brother to go work in Houston, Texas. RODRIGUEZ admitted to knowing the subjects he was going to pick up in the rest area were illegally present in the United States. RODRIGUEZ stated Kechu was going to pay him once he returned from dropping the illegal aliens in Houston, Texas. RODRIGUEZ mentioned he is currently on parole and has also violated his probation. RODRIGUEZ stated he regrets picking up the illegal aliens because he misses his family and thinks he will serve time.

MATERIAL WITNESS STATEMENT (Eludir Eli REYNOSO-Perez):

Eludir Eli REYNOSO-Perez stated he is a citizen of Guatemala who illegally entered the United States. He stated he stayed in a stash house prior to arrangements being made for circumventing the checkpoint. REYNOSO stated ten aliens were picked up in two vehicles and dropped off south of the checkpoint. One of the subjects in the vehicle with REYNOSO was given instructions and a phone with GPS directions. REYNOSO stated they walked for one night. REYNOSO described the subject with the phone as wearing a black sweater with a hoodie, blue jeans, skinny, short hair and appeared to be 21 to 22 years of age. REYNOSO stated the subject who drove them to the point where they entered the brush to walk around the checkpoint spoke to this individual only. REYNOSO stated they arrived at the "Parking Area" and noticed about fifteen cars. REYNOSO stated he knew which car to get in because the subject with the phone told him it would be a grey van with its hazard lights flashing. REYNOSO stated he sat in the front passenger seat directly next to the driver. REYNOSO stated he observed the driver but did not speak to him. REYNOSO stated he could identify the driver. PEREZ stated no money was exchanged with the driver and he believed the driver was aware they were illegal immigrants. PEREZ stated all monetary exchanges were done in Mexico in that amount of \$5,000.00 US dollars. REYNOSO positively identified RODRIGUEZ as the driver in a photo lineup.


MATERIAL WITNESS STATEMENT (Luis Fernando GARAY-Banegas):

Luis Fernando GARAY-Banegas stated he is a citizen of Honduras, illegally present in the United States. After illegally entering the United States, he was taken to several locations before being picked up by a black four-door pickup truck and dropped off in the brush to circumvent the checkpoint. GARAY stated at some point during the drive to the drop-off location, he was given a Samsung phone and instructed to use it to guide the group through the brush. GARAY stated the truck came to a stop on the side of the road and they were instructed to get out of the vehicle and run. GARAY stated he used the phone's GPS to walk and guide the group for approximately nine hours. GARAY stated upon reaching the destination on the GPS they received a call from an unknown individual who instructed him to look for a van with the hazard lights on and run to it. GARAY stated he was instructed to delete the conversation and information under the WHATSAPP application on the phone. GARAY stated they ran to the van and attempted to open the doors, but they were locked. GARAY stated the driver unlocked the doors and told them to get in the vehicle. GARAY stated he handed the phone to an illegal alien from Mexico named Bonifacio so that he could contact his wife. GARAY stated that shortly after entering the van, the U.S. Border Patrol arrived and apprehended the individuals in the van including the driver. GARAY was shown a photo lineup and was unable to identify the driver.

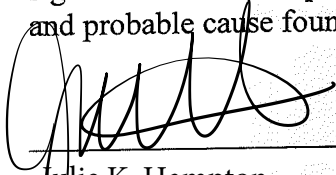
Note: A blue in color Samsung phone was recovered from Bonifacio ZAMMARIPA-Chavez's property. The phone was shown to GARAY, who identified the phone and stated it was the phone he was given and used to navigate through the brush.

DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney's Office who accepted Placido RODRIGUEZ for prosecution of 8 USC 1324, Alien Smuggling. Eludir Eli REYNOSO-Perez and Luis Fernando GARAY-Banegas will be held as material witnesses in this case.


Stephanie Caligiuri
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on November 1, 2021.


Julie K. Hampton
United States Magistrate Judge